LeMond Cycling, Inc. v. Trek Bicycle Corporation
Doc. 148 Att. 4

Exhibit 81

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UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

LeMOND CYCLING, INC.,

Plaintiff,

vs. Case No. 08-1010

TREK BICYCLE CORPORATION,

Defendant/
Third-Party Plaintiffs,

vs.

GREG LeMOND,

Third-Party Defendant.

Video Deposition of JOHN R. NEVIN

Monday, August 3rd, 2009

9:43 a.m.

at

GASS WEBER MULLINS, LLC
309 North Water Street, Suite 700
Milwaukee, Wisconsin 53202

Reported by Julie K. Lyle, RPR/RMR/CRR

Q The -- how much would it have cost Trek to contact, let's say, 50 consumers on a random basis and ask them the questions that you just talked about?
A I didn't really talk about any questions. I talked about populations.
Q Okay. Well, let's -- let's say how much would it have cost Trek if you would have contacted 50 random consumers and asked them questions about their feelings of the -- caused by -- of economic damages to Trek caused by Greg LeMond's public attacks against Lance Armstrong and other professional athletes?
A I don't think consumers can answer a question about economic damages caused that customer. I wouldn't have a question -- these customers don't know the economics of my business. They don't know the gross profits; they don't the margins.
Q Fair.
A Customers could have no -- no knowledge of that charge.
Q Fair.
How much would it have cost Trek for you to perform a survey of 50 consumers at random regarding their feelings about Greg

LeMond's public attacks against Lance Armstrong -- Lance Armstrong and other professional athletes?
A I don't know. I can't sit here off the top of my head and talk about what it would cost to design it.
But if the events are in the past, you can't go back and recreate them, okay? So I can't go back and measure 2001, 2004, 2006. Those aren't top-of-mind to people now.
Could I have measured 2008 to say how many know that this actually got canceled and what the effect is? I may have. But these are issues over a long period. We're talking over eight years now. You can't go back and recreate those time frames.
So even if you thought you could get additional input and greater depth from some population, you just can't go back and recreate those time frames.
Q But you could with respect to 2008?
A Well, you could have at the time. But now we're several months beyond that, so -- and now other events have occurred. You got the Tour de France; you got other comments being made. I

in reaching your opinion that Lance -- or that Greg LeMond's comments regarding Lance Armstrong caused economic damages to Trek?
A Well, you just stated my opinion that I never stated.
Q Okay.
A I never said --
Q Sorry.
A I never said that Lance Armstrong's comments caused. What I said was I've assumed that --
Q I think you said Lance Armstrong. You meant Greg LeMond.
A Excuse me. I meant Greg LeMond.
Q Right.
A You'll never find in my report where I said that LeMond's comments on Lance Armstrong and other professional athletes caused.
What I said is I'm doing an analysis to show what would have happened if the comments weren't made and LeMond sales continued to perform as one would have expected.
What I said is I've reviewed some evidence that would suggest that those comments caused harm. It's not my job to prove the causation factor in this case. I am not offering

testimony that one didn't cause another; these two did occur simultaneously. That's not my task.
Q Your opinion in this case is on damages and not causation?
A That's correct.
Q The meeting that you had with Burke and Burns, did they ever refer to LeMond using any negative words?
A LeMond using negative words? I don't understand.
Q Yeah. I mean, did they ever -- did they ever characterize him as anything, call him names?
A All I recall is them talking about how the comments he makes about other athletes causes harm to the LeMond brands and the Trek name.
Q Did -- did they ever talk about how the comments that Lance Armstrong has made regarding Greg LeMond might have harmed Trek or LeMond sales?
A There was no discussion of that at all.
Q Did you ever think that that was peculiar?
A No.
Q Why?
MR. DOMBROWICKI: Object to form.
THE WITNESS: First, I was unaware of any of the comments that you're referring to. I